

MANDATE

04-30007
USOC-MABO
J. Ponsor

**United States Court of Appeals
For the First Circuit**

No. 04-1906

RAFAEL FONTANEZ,

Petitioner, Appellant,

v.

UNITED STATES,

Respondent, Appellee.

Before

Boudin, Chief Judge,
Stahl, Senior Circuit Judge,
and Lynch, Circuit Judge.

JUDGMENT

Entered: September 20, 2005

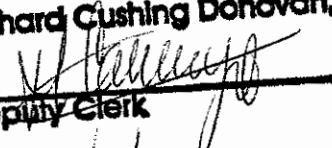
Substantially for the reasons given by Judge Ponsor in his Memorandum and Order dated June 18, 2004 and in that dated August 20, 2004, we conclude that petitioner has not made a substantial showing of the denial of a constitutional right under 28 U.S.C. § 2253. The request for a certificate of appealability is denied and this appeal is terminated.

By the Court:

Richard Cushing Donovan, Clerk.

**Certified and Issued as Mandate
under Fed. R. App. P. 41.**

Richard Cushing Donovan, Clerk


Deputy Clerk

Date: 1/20/06

By: **MARGARET CARTER**

Chief Deputy Clerk.

[cc: Rafael Fontanez, Todd E. Newhouse, AUSA,
Dina Michael Chaitowitz, AUSA]